United Nations ST/IC/2012/7

Secretariat

22 February 2012

Information circular*

To: Members of the staff at Headquarters

From: The Assistant Secretary-General for Human Resources Management

Subject: **Employment of household employees for whom a G-5 visa has been requested or obtained**

1. The purpose of the present circular is to inform staff members who hold a G-4 visa and employ a household employee to whom a G-5 visa has been granted of a diplomatic note received from the Permanent Mission of the United States of America to the United Nations (see annex). The note concerns changes to the terms of employment of the household employees and to the visa eligibility requirements.

2. The terms of employment of domestic workers by United Nations staff members have been amended in order to reflect the following changes:

(a) Deductions from wages will no longer be allowed for food for G-5 domestic workers;

(b) The domestic workers' bank accounts must be in the United States so that the domestic workers may readily access and utilize their wages.

3. With regard to the visa eligibility requirements for domestic workers, the United States Department of State requests that the Visa Committee of the Office of Human Resources Management review all requests for pre-notification of domestic workers. Such review shall ensure that, in addition to meeting other criteria, the requests reflect a bona fide employee-employer relationship. Applications for visas for the employment of close family members will undergo an extensive review by United States consular officers abroad to ensure that they reflect a true employer-employee relationship.

4. In addition, all G-5 visa requests will be reviewed in order to ensure that the employing officer has the means to afford to pay prevailing or minimum wages in the United States, whichever are higher. Particular attention shall be given to requests for multiple G-5 employees to be employed in a singular diplomatic or non-diplomatic household.

5. The provisions of the present circular shall enter into effect on 15 February 2012. As at that date, all contract or payment practices between domestic workers and their employers must be amended accordingly.

* The present circular will be in effect until further notice and complements ST/IC/2009/42 and ST/IC/2011/28.

Annex

Diplomatic note dated 20 January 2012 from the Permanent Mission of the United States of America to the United Nations addressed to the Secretary-General

The United States Mission to the United Nations presents its compliments to the United Nations Secretariat and has the honour to refer to its diplomatic circulars HC-125-(S)-09 dated 23 October 2009 and HC-129-(S)-11 dated 28 September 2011 (available from http://usun.state.gov/about/host_aff/129277.htm), which set forth extensive requirements with regard to the employment of foreign domestic workers.

The above-referenced notes emphasized the importance that the United States Government places on providing fair treatment to foreign domestic workers brought into the United States to work for diplomatic and non-diplomatic personnel, and required that the Secretariat take any and all measures necessary to ensure that officials of the Organization employing such workers respect the laws relating to the treatment to be accorded such workers. The Department of State wishes to remind the United Nations Secretariat that the Department ultimately looks to the Secretariat to ensure that the conduct of the officials of the Organization comports with Department requirements and is in compliance with the relevant United States laws.

The Department of State's efforts to combat trafficking in persons are guided by the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008, which includes the requirement that the Secretary of State suspend the issuance of G-5 visas for a diplomatic mission or an international organization if she finds credible evidence that a domestic worker was abused and the diplomatic mission or international organization tolerated the abuse.

Terms of employment of domestic workers by international organization members

The Department has determined that in addition to not allowing for deductions from wages for lodging (as required by diplomatic circular note HC-129-(S)-11), deductions from wages will no longer be allowed for food for G-5 domestic workers.

Further, as the United Nations Secretariat is aware, as of October 2009, the Department of State has required that all wages for G-5 domestic workers be paid by check or electronic funds transfer into bank accounts. The Department wishes to clarify that these bank accounts must be in the United States in order that domestic workers may readily access and utilize their wages. Consistent with the banking requirements set forth in the October 2009 note, this requirement takes effect 90 days after the commencement of employment of a specific domestic worker; cash payment of wages is not permitted, and bank accounts must be in the domestic worker's name only.

Domestic worker visa eligibility requirements

The Department also wishes to take this opportunity to request that the Visa Committee of the Office of Human Resources Management review all requests for pre-notification of domestic workers to ensure that, in addition to meeting other

criteria, the requests reflect a bona fide employee-employer relationship. Specifically, the Department is concerned about the recent cases involving officials employing persons who were or appeared to be family members. Applications for visas for the employment of close family members will undergo an extensive review by United States consular officers abroad to ensure that they reflect a true employer-employee relationship. The Department wishes to note that G-5 visa requests will be reviewed with regard to ensuring that the employing officer has the means to afford to pay prevailing or minimum wages in the United States, whichever are higher, particularly with regard to requests for multiple G-5 employees to be employed in a singular diplomatic or non-diplomatic household. (The circular note HC-129-(S)-11 sets forth current wage rates.)

The provisions of this note will go into effect on 15 February 2012, and as of that date all employment contracts with G-5 workers should be amended to be in accordance with the provisions of this note and the notes of October 2009 and September 2011.

The United States Mission to the United Nations avails itself of this opportunity to renew to the United Nations Secretariat the assurances of its highest consideration.